

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

JAN 9 2011

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY ~~DEPUTY CLERK~~

CAROLYN BARNES

v.

DENNIS TUMLINSON,
TRAVIS COUNTY, TRAVIS COUNTY
SHERIFF'S DEPARTMENT, TRAVIS
COUNTY JAIL, TRAVIS COUNTY
PRETRIAL SERVICES, BILL SWAIM,
RON MORGAN, IRMA GUERRERO

A 12CV0028 LY

FEDERAL CLAIM FOR CIVIL RIGHTS VIOLATIONS

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, appellant, CAROLYN BARNES, hereinafter referred to as BARNES, and files this complaint against Dennis Tumlinson and other employees, agents, representatives, and attorneys for Travis County, Texas, for the numerous and continuous violations of her civil and constitutional rights, claims under the Texas Tort Claims Act, defamation, loss of property, and intentional infliction of mental anguish and emotional distress, through the use of instrumentality owned and controlled by the State of Texas, and in support of thereof would show the court as follows:

I.

BARNES is a resident of Williamson County, Texas. All or a part of the cause of action accrued in Travis County, Texas.

DEFENDANT, DENNIS TUMLINSON, is a resident of Travis County and employed by Travis County, along with all the other named DEFENDANTS, BILL SWAIM, RON MORGAN, IRMA GUERRERO, and EMPLOYEES OF THE TRAVIS

COUNTY JAIL, who may be served at their place of employment at the Travis County Courthouse or Travis County Sheriff's Department in Travis County, Texas.

II.

On or about January 8, 2010, BARNES was assaulted by an intoxicated and physically violent employee of Travis County, DENNIS TUMLINSON, who had a known propensity towards offensive and inappropriate behavior. To accomplish these various assaults and to inflict the damages, injuries, and losses, DEFENDANTS utilized instrumentality owned and controlled by Travis County and the Travis County Sheriff's Department, including but not limited to the handcuffs used to injure BARNES during the unwarranted assault causing the loss of her diamond bracelet; flack jacket or hard vest worn by DENNIS TUMLINSON when he used it as a blunt force to plow over BARNES as she was exiting the courthouse and trying to escape his vicious assault; the gloves, jail, camera, fingerprinting ink, and computers used in the aggravated kidnapping, assault, and abuse. These actions violated BARNES well recognized constitutionally protect rights and ~~other~~ valuable civil rights, in violation of 42 U.S.C.A. §§ 1983, 1981, and 1985 and 18 U.S.C. §§ 241, 242. DENNIS TUMLINSON used excessive force causing the damage and destruction or loss of BARNES' personal property, including but not limited to, her Blackberry phone, diamond bracelet, and mink coat. The intentional injuries caused by DENNIS TUMLINSON and the employees at the Travis County Sheriff's Department and Travis County Jail caused BARNES to require medical treatment and incur medical expenses. The malicious actions of DENNIS TUMLINSON and the employees of Travis County caused irreparable harm, injury, and damage to BARNES' reputation and resulted in gross mistreatment, damages, injuries, and abuses as a result of

the intentional, deliberate, and malicious defamation *per se*. BARNES seeks recovery under the Texas Tort Claims Act, RICO, and 42 U.S.C.A. §§ 1983, 1981, and 1985. DEFENDANTS intentionally caused irreparable damage, injury, and harm to BARNES for which she is entitled to recover exemplary damages.

III.

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Thereafter, BARNES posted a \$10,000.00 bond to secure her release. On or about ~~May~~ 14, 2010, Defendants, with malice and without any semblance of due process revoked the said bond and re-arrested BARNES and forced her to post another \$50,000.00 surety bail bond as a result of a criminal conspiracy in violation of federal laws, including RICO. On or about July 6, 2010, in a further malicious act in furtherance of the criminal conspiracy, DEFENDANTS re-arrested BARNES in open court with malice and forced her to post a third bond in the amount of \$10,000.00. This action was taken deliberately, intentionally, and knowingly by Bill Swaim, Ron Morgan, Travis County Sheriff's Department and other employees of Travis County with utmost malice and in a pre-mediated fashion to inflict extreme emotional distress and mental anguish on BARNES for no legitimate state purpose. Bill Swaim continues to pursue a malicious prosecution with malice in furtherance of the criminal conspiracy. In March, 2011, Travis County again revoked the bond with malice. Travis County continues to pursue the malicious prosecution after destroying the exculpatory evidence, to-wit: the audio video recording of the assault captured by the security cameras at the Travis County Courthouse. Travis County knew of the propensities of DENNIS TUMLINSON and placed him in a position to place the public at risk at the Travis County Courthouse and continued him in that position knowing of his propensities.

IV.

On four separate occasions, BARNES prepared and mailed four separate packets to four separate Grand Juries through their respective foremen seeking the investigation into this malicious assault and the indictment of DENNIS TUMLINSON and other employees of Travis County; however, various employees, agents, representatives, or attorneys for Travis County unlawfully and unconstitutionally intercepted and diverted that mail and correspondence that was clearly mailed to the Foremen of the respective grand juries.

V.

BARNES gave all the statutorily required notices to DEFENDANTS and all conditions precedent to bringing this suit have been met.

VI.

BARNES is entitled to recover an amount as provided by law for her injuries, losses, damages, and harm inflicted by DEFENDANTS and for exemplary damages for the intentional conduct, criminal activity, and excessive use of force. BARNES seeks recovery of all her costs, expenses, legal fees, damages, losses, injuries, and harm suffered as a result of this continuing outrageous governmental conduct, which amount far exceeds the minimum jurisdictional limits of this court.

WHEREFORE, BARNES prays that this Court grant all relief requested herein, adequate discovery of the evidence to present her claims, and that this court grant her a jury trial on all her claims.

BARNES prays for such other and further relief to which she may be justly entitled, whether at law or in equity.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. Barnes".

Carolyn Barnes
NORTH TEXAS STATE HOSPITAL
Maples Unit
P.O. Box 2231
Vernon, Texas 76385